UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	· CONFIRMATION NO.
10/066,441	01/31/2002	Paul Finster	GIST-003/00US	2219

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/066,441	FINSTER ET AL.
		Examiner	Art Unit
		Namitha Pillai	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/17,7/19*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> It does not identify the mailing address of each inventor. A mailing address is an address
> at which an inventor customarily receives his or her mail and may be either a home or
> business address. The mailing address should include the ZIP Code designation. The
> mailing address may be provided in an application data sheet or a supplemental oath or
> declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.
>
> It does not identify the citizenship of each inventor.
>
> It does not provide a signature of each inventor.
>
> The specification to which the oath or declaration is directed has not been adequately
> identified. See MPEP § 602. The serial number of the specification directed to is not
> included.

2.   Applicant has not given a post office address anywhere in the application papers as

required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration.

A statement over applicant's signature providing a complete post office address is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 462, 784 B1 (Kohno et al.), herein referred to as Kohno.

Referring to claims 1 and 15, Kohno discloses a method for presenting programming

information to a viewer (Figure 6). Kohno discloses creating a reference row in a programming

grid (reference number 82, Figure 6). Kohno discloses dividing the reference row into a plurality

of segments, each segment representing a time period shorter than that of any program in the

programming grid (Figure 17 and column 12, lines 1-13), wherein Kohno presents a discussion

of reference rows and within these rows division wherein there are segments represented as dots

with each dot being shorter than the length of the program. Kohno discloses aligning in the

programming grid the programming information of each program according to the segments of

the reference row representing each program's respective time period (column 3, lines 15-17).

Referring to claim 2, Kohno discloses that the reference row comprises a hidden

reference row (column 12, lines 44-51).

Referring to claim 3, Kohno discloses adding a row to the programming grid (column 14,

lines 10-14).

Referring to claim 4, Kohno discloses dividing the reference row into a plurality of

segments, each segment representing a one-minute interval (column 13, lines 28-32).

Referring to claim 5, Kohno discloses that the width of the segments is fixed by a width

attribute (column 11, lines 55-58).

Referring to claim 6, Kohno discloses retrieving the programming information (column

11, lines 54-55).

Referring to claim 7, Kohno discloses adding columns to the programming grid such that each row is divided by the columns and spanning the programming information of each program across a number of columns in a row, wherein the number of columns is proportional to the deviation of the program associated with the programming information (Figure 16).

Referring to claim 8, Kohno discloses an apparatus to present programming information to a viewer (Figure 6). Kohno discloses a communications device, a processor and a memory storing a plurality of instructions to be sent by the processor via the communication device to an http client for execution (Figures 1, 4 and 5). Kohno discloses that the instructions to be executed by the http client to create a reference row in a programming grid (reference number 82, Figure 6). Kohno discloses dividing the reference row into a plurality of segments, each segment representing a time period shorter than that of any program in the programming grid (Figure 17 and column 12, lines 1-13), wherein Kohno presents a discussion of reference rows and within these rows division wherein there are segments represented as dots with each dot being shorter than the length of the program. Kohno discloses aligning in the programming grid the programming information of each program according to the segments of the reference row representing each program's respective time period (column 3, lines 15-17).

Referring to claim 9, Kohno discloses that the programming grid includes an HTML table (column 7, lines 46-48).

Referring to claim 10, Kohno discloses adding a row to the HTML table (column 14, lines 10-14).

Referring to claim 11, Kohno discloses adding columns to the reference row in the HTML table, each column representing one of the segments (Figure 15).

Referring to claim 12, Kohno discloses that the width of the columns is fixed by at least one of a width attribute and a fix-length image (column 11, lines 54-64).

Referring to claim 13, Kohno discloses that the reference row is one of visible and invisible to the viewer (column 12, lines 35-47).

Referring to claim 14, Kohno discloses spanning the programming information of each program across the columns representing each program's respective time period (column 12, lines 1-13).

Conclusion

4.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for presenting programming information.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).
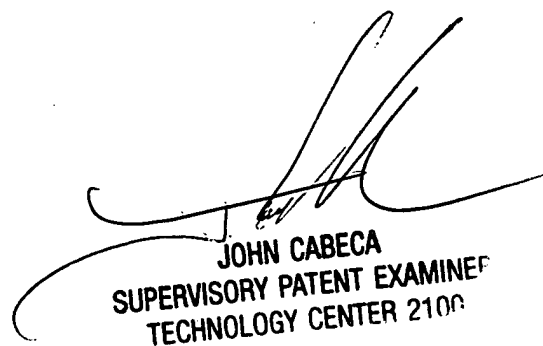
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 8, 2005

JOHN CABECA
SUPERVISORY PATENT EXAMINER
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